

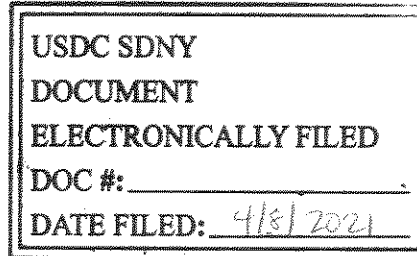


Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

February 22, 2021

**VIA ECF**

Honorable Colleen McMahon, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312



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Re: *Amley v. Sumitomo Mitsui Banking Corporation*, Case No. 19-cv-03777-CM

Dear Judge McMahon:

Pursuant to the Stipulation and Consent Order Pursuant to FRE 502(d) dated December 4, 2020 (Dkt. No. 054) and Your Honor's Individual Practices and Procedures Section 5(V), the Parties jointly<sup>1</sup> write to respectfully request the Court to file Under Seal the Declarations of Lloyd B. Chinn, Michael Chu, Michael Cummings, Ryosuke Kamohara, Hiro Oshima, Mohan Mahimtura and Bijal Patel, and all exhibits attached to the identified Declarations. These documents contain extensive privileged attorney-client communications between the Plaintiff, Ted Amley, and his former client, SMBC, providing legal advice and assessment of risks related to agreements and deals. The sealing is narrowly tailored and consistent with the Parties' agreement entered by Judge Barbara Moses as Dkt. No. 54, which resolved a redactions dispute between the Parties.

Pursuant to Your Honor's Individual Practice rules, the documents for which sealing is requested are contemporaneously filed under seal electronically on CM/ECF. If approved, the exhibits will be filed as Declarations Supporting SMBC's Motion for Summary Judgment dated February 22, 2021.

Respectfully submitted,

s/ Yonatan L. Grossman-Boder  
Yonatan L. Grossman-Boder

<sup>1</sup> Plaintiff joins this request subject to his own letter to seal filed on February 22, 2021 and does not waive any objections as to subject matter waiver.

4/8/2021  
Please file  
You may file  
originals under seal and  
provide a copy to the court.  
You have 10 days to file  
redacted copies of all  
documents publicly  
since I doubt  
any and in  
all these  
documents is  
privileged communication



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February 22, 2021

**By SDNY ECF**

Hon. Colleen McMahon  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

*Re: Ted Amley v. Sumitomo Mitsui Banking Corporation*  
*SDNY Case No. 19-cv-03777-CM*

Dear Judge McMahon:

Pursuant to the Court's Individual Practices in Civil Cases, Section V(A), and pursuant to the parties' Stipulation and Consent Order Pursuant to FRE 502(d) (Dkt. 54, 55), Plaintiff respectfully submits to the Court this request to file the attached documents under seal. Without waiving any objections as to subject matter waiver, the documents contain attorney-client communications between the Plaintiff, Ted Amley, and his former client, the Defendant SMBC, providing legal advice and assessment of risks related to agreements and deals. The sealing is narrowly tailored as the documents have been already produced to Plaintiff with limited redactions and are submitted for in camera review solely to demonstrate that the documents contain privileged material. As required under the Individual Practice rules, the document for which sealing is requested is contemporaneously filed under seal as an exhibit to this letter-motion. If approved, the exhibit attached will be Exhibits 21, 25 and 27 to plaintiff's Motion for Partial Summary Judgment dated February 22, 2021.

Yours truly,

/s/

Benjamin Suess



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2500 Westchester Ave, Suite 107  
Purchase, New York 10577  
Tel: (212) 725-4423

March 12, 2021

**By SDNY ECF**

Hon. Colleen McMahon  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

*Re: Ted Amley v. Sumitomo Mitsui Banking Corporation*  
*SDNY Case No. 19-cv-03777-CM*

Dear Judge McMahon:

Pursuant to the Court's Individual Practices in Civil Cases, Section V(A), and pursuant to the parties' Stipulation and Consent Order Pursuant to FRE 502(d) (Dkt. 54, 55), Plaintiff respectfully submits to the Court this request to file the attached documents under seal. Without waiving any objections as to subject matter waiver, the documents contain attorney-client communications between the Plaintiff, Ted Amley, and his former client, the Defendant SMBC, providing legal advice and assessment of risks related to agreements and deals. The sealing is narrowly tailored as the documents have been already produced to Plaintiff with limited redactions and are submitted for in camera review solely to demonstrate that the documents contain privileged material. As required under the Individual Practice rules, the documents for which sealing is requested are contemporaneously filed under seal as an exhibit to this letter-motion. If approved, the exhibits attached relating to plaintiff's Opposition to Defendant's Motion for Summary Judgment dated March 12, 2021, will be Exhibits 21, 25, 27, 37, 38, 46, 50-54, 59-71, 73-77, 80 and 81.

Yours truly,

/s/

Benjamin Suess